

REMARKS

Reconsideration is respectfully requested in view of any changes to the claims and the remarks herein. Please contact the undersigned to conduct a telephone interview in accordance with MPEP 713.01 to resolve any remaining requirements and/or issues prior to sending another Office Action. Relevant portions of MPEP 713.01 are included on the signature page of this amendment.

On February 13, 2008 applicants' representative, Daniel P. Morris had a telephonic interview with Examiner Dudek. Examiner Dudek acknowledged that claims 14, 64, 65, 73, 94, 103 and 121 were allowed in Office Action dated 09/07/2005. Examiner Dudek indicated that if applicants cancelled all pending claims except for claims 14, 64, 65, 73, 94, 103 and 121, this would place this application in condition for allowance. Applicants have followed the Examiner's suggestion and this application should be in condition for allowance.

Claims 161 to 164 are added.

Claim 161 is identical to claim 1 of US 6,424,388 of which the present application is a continuing application thereof with the additional limitations "said reflector/absorber layer partially reflects and partially absorbs said ambient light incident thereon, said reflector/absorber layer is not a black layer and has a reflectivity less than bulk aluminum."

Claim 162 is identical to claim 1 of US 5461501 (Sato et al.) with the additional limitations "at least one of said first metal layer, said second metal layer and said third metal layer has disposed in contact therewith a reflector/absorber layer which partially reflects and partially absorbs light incident thereon, said reflector/absorber layer is not a black layer and said reflector/absorber layer and has a reflectivity less than bulk aluminum."

Sato et al. has no teaching or suggestion of the limitations added to claim 1 of US 6,424,388, an ancestral application of the present application of the limitation added to claim 1 of Sato et al. Sato et al. does not teach reflector/absorber layer as recited in applicants added claims and in fact teaches away from such teaching at Sato Col. 10 lines 37-49 where Sato teaches aluminum layers as light blocking layers which teaches away from applicants added claims reciting that the reflector/absorber layer have a reflectivity of less than bulk aluminum. Applicant teaches in Fig. 4 structures useful as reflector/absorber layers which have reflectivity of less than 91% and teaches that bulk aluminum has a resistivity of about 92% at page 12, lines 4-5 of the specification, Applicants teach a reflector/absorber layer is not black. A black layer does not reflect light. Applicants reflector/absorber layer does not reflect light. The Dictionary.com Unabridged (v 1.1) which is based on the Random House Unabridged Dictionary, © Random House, Inc. 2006, defines the adjective "black" to mean "absorbing light without reflecting any of the rays composing it." Sato et al. teaches away from applicants' recitation at Col 10, lines 64 - Col. 11, line 1, which teaches "the photo-current can be reduced also by disposing layers made of black material on the front or rear surface of the first aluminum layer AL1 206 acting as the first wiring layer or the rear surface of the second aluminum layer AL2 208 acting as the second wiring layer and patterning them in a same shape as the different wiring layers" Thus applicants' added claims are not obvious in view of Sato et al. which teaches away from applicants' claimed invention.

Each claim 14, 64, 65, 73, 94, 103, 121, 161 and 163 is an independent claim. Applicants believe that each of these claims are directed to a patentably distinct invention or a patentably distinct species with no generic claim to these species. Applicants suggest the following restriction requirement.

Group	Claims in the Group
1	14
2	64
3	65

4	73
5	94
6	103
7	104
8	161, 162
9	162, 163

If the Examiner agrees with applicants' Suggested Restriction Requirement, applicants elect without traverse Group 8, applicants authorize the Examiner to cancel claims 14, 64, 65, 73, 94, 103, 104, 162 and 164 by Examiner's amendment, request that the Examiner state in the Examiner's amendment agreement with the Suggested Restriction Requirement and issue a Notice of Allowance for claim 14.

If the Examiner does not agree with the Suggested Restriction Requirement, applicants' respectfully request a Notice of Allowance for claims 14, 64, 65, 73, 94, 103, 104, 161, 162, 163 and 164.

In view of the changes to the claims and the remarks herein, the Examiner is respectfully requested to reconsider the above-identified application. If the Examiner wishes to discuss the application further, or if additional information would be required, the undersigned will cooperate fully to assist in the prosecution of this application.

If the above-identified Examiner's Action is a final Action, and if the above-identified application will be abandoned without further action by applicants, applicants file a Notice of Appeal to the Board of Appeals and Interferences appealing the final rejection of the claims in the above-identified Examiner's Action. Please charge deposit account 09-0468 any fee necessary to enter such Notice of Appeal.

In the event that this amendment does not result in allowance of all such claims, the undersigned attorney respectfully requests a telephone interview at the Examiner's earliest convenience.

MPEP 713.01 states in part as follows:

Where the response to a first complete action includes a request for an interview or a telephone consultation to be initiated by the examiner, ... the examiner, as soon as he or she has considered the effect of the response, should grant such request if it appears that the interview or consultation would result in expediting the case to a final action.

Please charge any fee necessary to enter this paper and any previous paper to deposit account 09-0468.

Respectfully submitted,

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